

On July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned corn at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 22, 1932, by the Lawrence Wholesale Co., from Bricelyn, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Leader Brand Fancy Crosby Corn * * * Packed by Bricelyn Canning Co. Bricelyn, Minn."

It was alleged in the libel that the article was adulterated in that a substance, namely, corn below the grade indicated on the label, had been substituted in whole or in part for Fancy grade canned corn.

Misbranding was alleged for the reason that the statement on the label, "Fancy", was false and misleading and deceived and misled the purchaser.

On September 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21370. Adulteration of vinegar. U. S. v. 80 Barrels, et al., of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 30600. Sample no. 31265-A.)

This case involved a shipment of vinegar which was found to contain arsenic and lead in amounts which might have rendered the article injurious to health.

On June 15, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 barrels, 50 half-barrels, 20 kegs of vinegar, and 100 cases of bottled vinegar at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about March 14, 1933, by the Speas Manufacturing Co., from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act.

The bottled vinegar was labeled in part: "Speas Pure Cider Vinegar." The portion contained in kegs and barrels was labeled in part: "Speas Manufacturing Company * * * Pure Cider Vinegar."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21371. Misbranding of walnut meats and hazelnuts. U. S. v. 5 Cases of Walnut Meats, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. nos. 30655, 30656, 30755. Sample nos. 37267-A, 37269-A, 37423-A.)

Examination of samples of the walnut meats and hazelnuts involved in these cases showed that the packages contained less than 8 ounces, the declared weight.

On July 1 and July 20, 1933, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of walnut meats and 10 cases of hazelnuts at Spokane, Wash., alleging that the articles had been shipped in interstate commerce in various shipments on or about November 11, November 23, and December 2, 1932, by the Dundee Walnut Association, in part from Portland, Oreg., and in part from Dundee, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Net Weight 8 Ozs. Norpac Walnut Meats [or "Hazelnuts"]." Portions were further labeled: "North Pacific Nut Growers Cooperative."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Weight 8 Ozs.", was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 18, 1933, the North Pacific Nut Growers Cooperative Association, claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the

product might be released to the claimant upon payment of costs and the execution of a bond in the total sum of \$1,000, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21372. Adulteration and misbranding of butter. U. S. v. Gold Seal Creamery. Plea of guilty. Fine, \$250. (F. & D. no. 30220. Sample nos. 1483-A, 1485-A, 1486-A, 1487-A, 1488-A.)

This case was based on interstate shipments of butter, sample cartons of which were found to contain less than 1 pound, the declared weight. Certain lots of the product also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 20, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gold Seal Creamery, a corporation, Medford, Ore., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about September 6, 1932, and in part on or about September 12, 1932, from the State of Oregon into the State of California, of quantities of butter which was misbranded and a portion of which was adulterated. A portion of the article was labeled in part: (Carton) "Net Weight One Pound * * * One Pound Standard Grade Butter"; (wrapper) "Weight One Pound Standard Grade Butter * * * Gold Seal Creamery * * * Gold Seal Creamery, Medford, Ore." The remainder was labeled in part: "Maid O'Sweet Cream Butter Manufactured by Gold Seal Creamery * * * Net Weight One Pound."

It was alleged in the information that certain lots of the "Gold Seal" butter were adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the said lots of "Gold Seal" butter was alleged for the reason that the statements, "Butter", and "Standard Grade Butter", borne on the cartons and wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all lots of the product for the reason that the statements regarding the weight, "Net Weight One Pound" and "One Pound", borne on the wrappers and cartons, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages in all lots was found to contain less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On August 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

21373. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30864. Sample no. 49783-A.)

This case involved an interstate shipment of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1933, by E. J. Matthews from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*